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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

DOMINGO ISMAL RAMIREZ,

Defendant and Appellant.

H034566

(Santa Clara County  
Super.Ct.No. CC937123)

In July 2009, defendant Domingo Ismal Ramirez pleaded no contest to felony false imprisonment and two misdemeanors, spousal battery and resisting a peace officer. He also admitted two prison priors. The court sentenced defendant to two years in prison and imposed two concurrent county jail sentences in connection with the misdemeanor convictions. Defendant filed a timely appeal. We will affirm the judgment.

**FACTUAL AND PROCEDURAL HISTORY<sup>1</sup>**

At about 2:00 p.m. on March 8, 2009, officers from the San Jose Police Department responded to a call from the victim, Katherine Trent, who had indicated that she was having a fight with her husband, defendant, at a local gas station. Witnesses at the scene who also called police dispatch indicated that they

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<sup>1</sup> The factual background is derived from the probation officer's report included in the clerk's transcript.

had observed a male pulling a woman by her hair and attempting to force her into a car.

Trent reported to the officers that she and defendant had been married for approximately two years and had a six-month-old child together, but that they were not living together. On the day of the incident, defendant met Trent while she was in church; he had been drinking and accused her of having an affair. Trent intended to drop defendant off at his home, but he instructed her to drive to a convenience store. Defendant took Trent's car keys and went into the store. She took her baby and walked across the street to a gas station in order to call the police, because defendant had told her he was not going to let her go home. Defendant drove over to the gas station, told her he would not hurt her and said they should just go home together. Trent told him repeatedly that she did not want to go with him. Defendant grabbed her by the right arm and tried to force her into the front seat of the car. Film from a surveillance camera showed that defendant pulled the victim by her hair toward the car, shoved her into the rear passenger seat, and tried to close the door while she was holding her baby. The film showed that Trent struggled continuously and was ultimately able to get out of the car and move away from defendant.

Defendant was detained in a patrol car and repeatedly slammed his head between the rear prisoner compartment and the front of the car. He was removed from the car, flexed his body against the officers' efforts to place him into a restraining device, and spat on the officers.

Defendant was charged by information filed May 22, 2009, with one count of felony false imprisonment (Pen. Code, §§ 236/237),<sup>2</sup> misdemeanor battery on a

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<sup>2</sup> All further statutory references are to the Penal Code.

spouse (§§ 242-243, subd. (e)), and misdemeanor resisting a peace officer (§ 148, subd. (a)(1)). The information contained the further allegation that defendant had suffered two prior felony conviction for which he had served separate prison sentences, and that after serving those prison terms, he had not remained free of both prison custody and the commission of an offense resulting in a felony conviction for a period of five years (§ 667.5, subd. (b)). On July 1, 2009, defendant pleaded no contest to the felony and misdemeanor counts and admitted the two prison priors, on the condition that he would receive a maximum prison sentence of two years. Before accepting the plea, defendant was apprised fully of the rights he was giving up as a result of his no contest plea and concerning the consequences of that plea. The court thereafter imposed a midterm sentence of two years in state prison for the false imprisonment conviction and imposed concurrent 90-day county jail sentences for each of the misdemeanor convictions. The court further struck the additional punishment otherwise specified for the two prison priors in accordance with section 1385. Defendant filed a timely notice of appeal on August 6, 2009, in which he challenged the sentence or other matters occurring after the plea.

### DISCUSSION

We appointed counsel to represent defendant in this court. Appointed counsel filed an opening brief which stated the case and the facts but raised no specific issues. We notified defendant of his right to submit written argument on his own behalf within 30 days. This period has elapsed and we have received no written argument from defendant.

We have reviewed the entire record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Based upon that review, we have concluded that there is no arguable issue on appeal.

DISPOSITION

The judgment is affirmed.

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Duffy, J.

WE CONCUR:

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Bamattre-Manoukian, Acting P.J.

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McAdams, J.